

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 11-21) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now broadly claimed, provides a parallel chord truss that includes elongate lateral chord members with at least one lateral chord member being continuous lengthwise along the parallel chord truss. A penetrable separating member is provided in a fixed engagement with, at least, one chord member with the penetrable separating member having at least one aperture therethrough for permitting the passage of, for example, cabling through the penetrable separating member, with means for cross-bracing the lateral chord members being provided for permitting access to the penetrable separating member.

The penetrable separating member of the claimed invention, along with the means for cross-bracing the lateral chord members, safely permits the piercing of the longitudinal sheets, or panels, of the truss of the present invention for allowing the passage of cabling, as an example, without adversely affecting the structural integrity of the truss, as is the concern with trusses otherwise known to the prior art. With reference to the drawing figures of Applicant's *Specification*, the claimed invention lies in the provision of providing cross-bracing means (40, 50) between opposing lateral chord members (11, 12) of the truss, so that access via apertures (30), that are provided in panel (20), permit cabling and the like to pass through the apertures in the panel, without negatively impacting

the structural integrity of the truss.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and versatile truss having cross-bracing means situated between opposing lateral chord members of the truss, so that access via apertures through panels of the truss are provided for permitting cabling and the like to pass through the apertures, without negatively impacting the structural integrity of the truss, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 11 (and all other claims via dependency) to now recite that “said penetrable separating member [has] at least one aperture therethrough for permitting passage of cabling through said penetrable separating member,” which is submitted to constitute a feature that is neither disclosed nor suggested by the prior art.

Applicant has also amended dependent Claim 20 to clarify that the “apertures” recited in this dependent claim are distinct from those now recited in independent Claim 11, thereby avoiding a double inclusion of features comprising the present invention.

Turning now, in detail, to an analysis of the Examiner’s prior art rejection, in the first Office Action the Examiner has rejected Claims 11-21 as being anticipated, pursuant to 35 U.S.C. §102(b), by Hershey, U.S. Patent No. 5,867,963, contending that Hershey discloses a parallel chord truss with members that are continuous, along with a penetrable separating member in fixed engagement to at least one chord member, and means for

cross-bracing the lateral chord members for permitting access to the penetrable separating member, thereby anticipating independent Claim 11. The Examiner has also taken the position that the features recited in Applicant's dependent claims are, likewise, taught by Hershey.

In reply to the Examiner's anticipation rejection applying Hershey, a careful review of the applied citation finds that Hershey discloses a truss having upper and lower plates that are centrally interconnected by diagonal web members (28). The web members of Hershey have been analogized by the Examiner to the "penetrable separating member" of Applicant's claimed invention, though Applicant respectfully contends that there is no disclosure or suggestion in Hershey that, in fact, the web members (28) of Hershey are "penetrable" without causing irreparable damage to the integrity of the truss.

As best illustrated in FIG. 1 of Hershey, the truss of the applied reference includes diagonal web members (28) between which is a "central web truss area," designated in Hershey by reference numeral "26." In connection with the Examiner's anticipation rejection of dependent Claim 20, the Examiner has termed the "central web truss area" of Hershey as "apertures," however, this area does not pass through a diagonal web member (28) and, in this respect, this "aperture" is distinguishable from that which Applicant now recites in independent Claim 11; Applicant's "aperture" of dependent Claim 20 now being termed an "additional aperture" to distinguish it over the aperture of Claim 11.

There is respectfully submitted to be no disclosure, suggestion or hint in Hershey that an aperture may be provided through diagonal web members (28), let alone that such

an aperture may be provided without seriously undermining the structural integrity of the truss taught therein.

Consequently, because Hershey fails to disclose or suggest the possibility of a truss allowing for the placement of an aperture though a diagonally positioned web member, which may be used for permitting the passage of cabling therethrough, Applicant respectfully contends that the Examiner's 35 U.S.C. §102(b) anticipation rejection of the first Office Action has been overcome and should now be appropriately withdrawn.

Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant's claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 11-21) recite a novel and versatile truss having cross-bracing means situated between opposing lateral chord members of the truss, so that access via apertures through panels of the truss are provided for permitting cabling and the like to pass through the apertures, without negatively impacting the structural integrity of the truss, which is patentably distinguishable over the prior art. Accord-

ingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$525.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.